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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,127	12/29/2000	Ari Nieminen	4925-100	8722

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/752,127	Applicant(s) NIEMINEN, ARI	
	Examiner Vivek Srivastava	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-17, 21-28, 31, 33, 35-42, 45-50 and 69-82 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 18-20, 29, 30, 32, 34, 43 and 44 is/are objected to.
- 8) ☒ Claim(s) 51-68 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5, 7, 10 – 15, 17, 21 – 26, 28, 31, 33, 35, 36, 45 – 49 and 69 – 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore et al.

Regarding claims 1, 11 and 22, Candelore discloses a system which provides a user with viewing an interactive infomercial which is defined by Candelore as a type of commercial (see col 12 lines 10-22) wherein when a viewer views the entire commercial a coupon is provided to the user as a reward (see col 12 lines 10-22). It should be noted that the user must also interact with the system to ensure the user is viewing the infomercial (see col 12 lines 47-56, col 16 lines 28-39). The first information stream, in

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Candelore, i.e. stream from the headend comprises both PPV content desired by the user and a commercial content.

Candelore discloses the infomercial as the first information stream, a second information stream first portion is met by the question asking the viewer if he wishes to continue (see col 12 lines 46-56) and the second portion is met by the coupon (col 12 lines 10-22). It should be noted that consumption of use of the coupon is conditioned upon the user answering the question (see col 12 lines 46-56).

Candelore suggests a user must watch an infomercial for Z minutes to obtain a reward or coupon (see col 12 lines 47-56). Candelore fails to disclose the claimed wherein the user must substantially consume the commercial content in the first information stream in order to receive the reward content in the second information stream. It would have been obvious from the suggestion of Candelore to further modify Candelore to include the claimed limitation to ensure commercials are substantially viewed to help advertisers promote their products. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Candelore to include the claimed limitation to ensure commercials are substantially viewed by users thereby helping advertisers promote their products.

Regarding claims 2, 4, 12, 14, 23 and 25, Candelore discloses that the first information stream is a discrete portion of broadcast (met by infomercial). Candelore fails to disclose the claimed second information stream is arranged so that interaction with the first portion takes a period of time at least substantially equal to the duration of the first information stream, whereby the user is induced to consume substantially the

entire first information stream and the claimed wherein the second information stream is arranged so that interaction with the first portion takes a period of time at least substantially equal to the duration of the advertisement .

Candelore suggest displaying an interactive message which a user needs to respond to ensure a user is actually viewing an infomercial before the user can receive a discount coupon (see col 12 lines 47-56, col 16 lines 19-39). It would have been obvious to modify Candelore to include claimed second information stream is arranged so that interaction with the first portion takes a period of time at least substantially equal to the duration of the first information stream, whereby the user is induced to consume substantially the entire first information stream and to include the claimed wherein the second stream is arranged so that interaction with the first portion takes a period of time at least substantially equal to the duration of the advertisement by providing interactive question throughout the duration of the advertisement to ensure that the user views the entire infomercial thus benefiting both the user and advertiser.

Considering claims 3, 13 and 24 Candelore discloses an infomercial as the first stream (see col 12 lines 47-56), a coupon as the second portion of the second information stream (see col 12 lines 8-20 and 47-56), wherein the user is induced to watch the commercial in order to receive the coupon (see col 12 lines 8-20 and 47-56).

Regarding claims 5, 7, 15, 17, 26 and 28 Candelore discloses the coupon is displayed on the TV and thus is a video entity (col 3 lines 53-62).

Regarding claims 10, 21 and 31 Candelore separate transmission paths for the coupon and program services (see col 5 lines 53-55).

Regarding claim 33, Candelore discloses a system which provides a user with viewing an interactive infomercial which is defined by Candelore as a type of commercial (see col 12 lines 10-22) wherein when a user views the entire commercial a coupon is provided to the user as a reward (see col 12 lines 10-22). It should be noted that the user must also interact with the system to ensure the user is viewing the infomercial (see col 12 lines 47-56, col 16 lines 28-39).

Candelore discloses the infomercial as the first information stream, a second information stream first portion is met by the question asking the viewer if he wishes to continue (see col 12 lines 46-56) and the second portion is met by the coupon (col 12 lines 10-22). It should be noted that consumption of use of the coupon is conditioned upon the user answering the question (see col 12 lines 46-56).

Candelore fails to disclose the claimed settop box. The Examiner takes Official Notice it would have been well known in the television art to utilize a compact settop box enabling user interactivity. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Candelore to include the claimed settop box to enable user interactivity via a compact settop box.

Claim 35 is met by the discussions above.

Regarding claim 36, Candelore fails to disclose the claimed adapted to receive information streams from at least one of GPRS, UMTS, and internet transmission media. The Examiner takes Official Notice it would have been well known to receive information streams on from an Internet Service Provider (ISP) to enable access to vast amount information or a highly universal/compatible transmission system. Therefore, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Candelore to include the claimed limitation to enable access to a vast amount of information of a highly/universal compatible transmission system.

Regarding claims 45, 46, 47, 48 and 49 Candelore discloses prompting a user for a response when the coupon is displayed or "first portion" or time in which the coupon is displayed while being presented with the commercial from the first video stream (see col 3 lines 6 – 62) noting the user is prompted to redeem the coupon.

Claims 69 and 70 are met by that discussed above.

Regarding claim 71, Candelore discloses cable and satellite and thus discloses the claimed one or wired and wireless (see col 3 lines 18-25).

Claim 72 is met by the that discussed above.

Regarding claim 73, Candelore discloses a TV broadcasting network (col 1 lines 5-15) and a television receiver (see fig 2 item 180).

Regarding claim 74, it would have been obvious to include video distribution over the internet, as discussed above, and thus to also include streaming video distribution via the internet.

Regarding claim 75, Candelore fails to disclose the claimed wherein the transmitter comprises a portion of a GPRS network, a UMTS network, a ATVEF network or a MHP platform. The Examiner takes Official Notice it would have been well known to modify Candelore to include the claimed GPRS to provide digital communication via a wireless network. Therefore, it would have been obvious to one having ordinary skill in

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the art at the time the invention was made to modify Candelore to include the claimed GPRS network to provide higher quality digital transmission over a wireless network.

Claim 76 is met by that discussed above.

Regarding claim 77, Candelore fails to disclose the claimed receiver receives the reward data stream, and wherein the receiver is separate and distinct from the user's electronic equipment which receives the content data stream. The Examiner takes Official Notice it would have been well known to separate components to provide faster processing of data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Candelore to include the claimed limitation of receiving the reward stream and content stream separate to provide faster processing of the received data.

Regarding claim 78, Candelore inherently discloses the claimed limitation since the coupon is utilized and associated with the commercial.

Claims 6, 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (6,057,872) in view of Alpdemir (6,658,389).

Regarding claims 6, 16 and 27 Candelore fails to disclose wherein the entity is an audio entity.

Candelore discloses a video coupon as a video entity. Alpdemir teaches a system which provides a user with an audio coupon (see Abstract, col 2 lines 34-39, col 3 lines 10-15). It would have been obvious modifying Candelore to include audio coupons would have provided a user with an audio coupon which would have benefited

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both advertisers and users by enticing users to watch advertisements while also benefiting users by providing discount coupons. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Candelore to include audio coupons to benefit both users and advertisers.

Claims 37-42, 50 and 79 - 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (6,057,872) in view of August (5,671,267).

Considering claim 37, Candelore discloses a system which provides a user with viewing an interactive infomercial which is defined by Candelore as a type of commercial (see col 12 lines 10-22) wherein when a user views the entire commercial a coupon is provided to the user as a reward (see col 12 lines 10-22). It should be noted that the user must also interact with the system to ensure the user is viewing the infomercial (see col 12 lines 47-56, col 16 lines 28-39) and that the user is prompted to enter a response (see col 12 lines 10-22). It should be also noted that Candelore discloses receiving the first information stream and a second receiving means since the second information stream is received from a separate communication medium (see col 5 lines 53-55). The first information stream, in Candelore, i.e. stream from the headend comprises both PPV content desired by the user and a commercial content.

Candelore suggests a user must watch an infomercial for Z minutes to obtain a reward or coupon (see col 12 lines 47-56). Candelore fails to disclose the claimed wherein the user must substantially consume the commercial content in the first information stream in order to receive the reward content in the second information

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stream. It would have been obvious from the suggestion of Candelore to further modify Candelore to include the claimed limitation to ensure commercials are substantially viewed to help advertisers promote their products. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Candelore to include the claimed limitation to ensure commercials are substantially viewed by users thereby helping advertisers promote their products.

Candelore fails to disclose the claimed setup box. The Examiner takes Official Notice it would have been well known in the television art to utilize a compact setup box enabling user interactivity. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Candelore to include the claimed setup box to enable user interactivity via a compact setup box.

Candelore fails to disclose the claimed Handset for capturing the second content conditionally according to the user's response to said prompting. August teaches a system in which a handset is used for retrieving electronic coupon information and advertiser information from a TV wherein the handset can retrieve the telephone number for an advertiser enabling ease of dialing the advertiser (see col 3 line 25-55). It would have been obvious modifying Candelore to include the claimed handset would have enabled a user to retrieve electronic coupon information directly from a broadcast and would have enabled dialing the advertiser without having to write down the telephone number. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Candelore to include the claimed limitation to provide a quick means for retrieving coupon information and dialing an advertiser which

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would benefit both the user and the advertiser by providing a user with a discount and providing the advertiser with sale of its merchandise.

Regarding claim 38, since it would have been obvious to include a settop in Candelore (see col 37), it would have been obvious to include the second receiving means in the settop.

Regarding claim 39, the combination of Candelore and August discloses the claimed invention, wherein August discloses a second receiving means incorporated in the handset (see fig 2 item 213).

Regarding claim 40, since it would have been obvious to include a settop in Candelore (see claim 37), it would have been obvious to include the prompting means incorporated in the settop box.

Regarding claim 41, the combination of Candelore and August discloses a prompting means and handset. It would have been obvious to one skilled in the art to include a prompting means in the handset to have a single device for both prompting a user and for retrieving coupon information.

Regarding claim 42, the combination of Candelore and August fails to disclose wherein the handset is adapted to receive information streams from at least one of GPRS, UMTS and internet media.

The Examiner takes Official Notice it would have been well known to receive information streams on a handheld device from an Internet Service Provider (ISP) to enable access to vast amount information or a highly universal/compatible transmission system. Therefore, it would have been obvious to one having ordinary skill in that art at

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the time the invention was made to modify August to include the claimed limitation to enable access to a vast amount of information of a highly/universal compatible transmission system.

Regarding claim 50 Candelore discloses prompting a user for a response when the coupon is displayed or "first portion" or time in which the coupon is displayed while being presented with the commercial from the first video stream (see col 3 lines 6 – 62) noting the user is prompted to redeem the coupon.

Claims 79 and 82 are met by that discussed above.

Regarding claims 80 and 81, the combination of Candelore and August discloses a telephone but fails to disclose a wireless telephone and a cellular phone. The Examiner takes Official Notice that utilization of a wireless cellular phone provides added flexibility and mobility. Therefore, it would have been obvious to modify the combination of Candelore and August to include the claimed limitation to enable more flexibility and mobility for the user.

Allowable Subject Matter

Claims 8, 9, 18-20, 29, 30, 32, 34, 43, 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
12/23/04



VIVEK SRIVASTAVA
PRIMARY EXAMINER